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# Caribbean News

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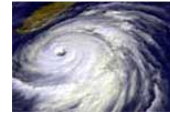
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*HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination*

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## 2006 Hurricane Season



Yup, the hurricane season is here again. Time to protect our family and property. Gather your family members and make sure each person is well-informed on potential hazards and community plans. Discuss with them what you would do if family members are not home when a warning is issued.

## Active Partner Performance System (APPS) Electronic Filing

Effective on July 1, 2006, all participants required to apply for previous participation clearance must do so through the Active Partner Performance System (APPS). There are no exceptions. Participants must have completed baselines in APPS if they wish to pursue participation clearance after June 30, 2006. All participants in Multifamily Programs are reminded that failure to register and complete the data input required by APPS will restrict new and revised participation until after the participant's system inputs are completed. Introductory and explanatory information, including a system tutorial, are available on HUD's Internet Site at:

<http://www.hud.gov/offices/hsg/mfh/apps/appsmfhm.cfm>

Reference: 24 CFR, 200.217

The Department allowed extensions totaling more than one year since the final rule was published to assure the system and the system's environment would not impede business transactions. Participants have been able to use APPS to enter their baseline data since 2004.

## The Gift of Sight at Finca Galateo

Finca Galateo' staff joined efforts with Lens Crafters and Pearle Vision to give the gift of sight to their residents and the community. Fifty (50) elderly/handicapped persons and 350 kids were selected to have a sight evaluation and receive eyeglasses, if needed.

This activity was sponsored by Lens Crafters Give the Gift of Sight Foundation, Pearle Vision Inc. Foundation, Baush & Lomb, Municipality of Río Grande, United Way of Puerto Rico and the First Lady's Office. Over 60 volunteers (including medical staff) participated. The total cost of this event was approximately \$40,000.00. Ronald McDonald entertained the audience.

Way to go Finca Galateo!



## Termination of Assistance vs Termination of Tenancy

Many owners are confused with the above terms. Under program regulations and leases, termination of assistance occurs when a tenant is no longer eligible for subsidy or to enforce HUD program requirements. It results in the loss of subsidy to the tenant. Tenants whose assistance is terminated may remain in the unit, but they must pay the market rent, full contract rent, or 110% of BMIR rents. Owners are authorized to terminate assistance only in limited circumstances and after following required procedures to ensure that tenants have received proper notice and an opportunity to respond.

On the other hand, termination of tenancy is the first step in the eviction process and is often used interchangeably with the term *eviction*. When terminating tenancy, the owner gives the tenant notice to vacate the unit because of a lease violation(s). A tenant who fails to vacate the unit after receiving notice from the owner may face judicial action initiated by the owner to evict the tenant. The owner may only terminate tenancy in limited circumstances as prescribe by HUD regulations and the lease and must follow HUD and state/local procedures.

Owners are expected to enforce program requirements under the terms of the lease. Similarly, HUD expects tenants to comply with the program requirements as established in the lease.

We invite you to check chapter 8 of the HUD Handbook 4350.3 REV-1 for more details on this topic.

## Key Regulations and Statute Applicable to Multifamily Housing – Civil Rights

- 24 CFR, part 1 Title VI of the Civil Rights Act of 1964
- 24 CFR, part 8 Section 504 of the Rehabilitation Act of 1973
- 24 CFR, part 00 et seq Fair Housing Act
- 24 CFR, part 146 Age Discrimination Act of 1975
- 25 CFR 200.600 Affirmative Fair Marketing Regulations
- 24 CFR 880.612a, 881.601, 883.701, 884.223a, 886.329a (Allows preference for occupancy by elderly families in certain Section 8 developments)
- 42 U.S.C. 13641 Title VI, Subtitle D of Housing and Community Development Act of 1992 (Sets forth criteria under which certain HUD-subsidized multifamily properties can choose to serve elderly only, or set-aside a portion of the property for elderly only)
- Uniform Federal Accessibility Standards (UFAS), effective July 11, 1988
- Any state civil rights or local ordinances pertaining to housing; and any other legislation protecting the individual rights of tenants, applicants, or staff that may subsequently be enacted.



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